

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MADELEINE GARZA,

Plaintiff,

v.

NATIONAL RAILROAD PASSENGER
CORPORATION d/b/a AMTRAK,

Defendant.

CASE NO. C18-5106 BHS

ORDER TO SHOW CAUSE

This matter comes before the Court on Plaintiff Madeleine Garza's ("Garza") claim against Defendant National Railroad Passenger Corporation d/b/a Amtrak ("Amtrak") for violation of the Washington Consumer Protection Act ("CPA"), Dkt. 1, the Court's order denying in part and granting in part Amtrak's motion for summary judgment on this claim, Dkt. 44, Amtrak's motion to certify order for interlocutory appeal, Dkt. 69, and the Court's decision to exclude this claim from the trial on Garza's negligence claim.

At this time, the Court is considering severing the claim under Federal Rule of Civil Procedure 21 and opening an entirely new case just for that CPA claim. If the

1 Court also severed other similar claims in the cases against Amtrak, then it could
2 consolidate all of those CPA-only causes of action for one trial. This procedure seems
3 more efficient and less confusing than consolidating all of the actions in which a plaintiff
4 asserts a negligence claim and a CPA claim. The Court, however, will allow the parties
5 an opportunity to respond before issuing an order of severance. Therefore, any party may
6 show cause no later than December 20, 2019 why the Court should not sever Garza's
7 CPA claim from this case and open an entirely new case for that claim.

8 **IT IS SO ORDERED.**

9 Dated this 11th day of December, 2019.

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12 BENJAMIN H. SETTLE
13 United States District Judge
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